

Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
Washington, D.C.

In the Matter of:

Determination of Royalty Rates and Terms
for Transmission of Sound Recordings by
Satellite Radio and “Preexisting”
Subscription Services (SDARS III)

Docket No. 16-CRB-0001 SR/PSSR
(2018-2022)

**SOUNDEXCHANGE’S OPPOSITION TO MUSIC CHOICE’S
MOTION FOR REHEARING REGARDING PSS
INTERNET TRANSMISSIONS AVAILABLE OUTSIDE THE HOME**

SoundExchange, Inc. (“SoundExchange”) respectfully requests that the Copyright Royalty Judges (“Judges”) deny Music Choice’s Motion for Rehearing Regarding PSS Internet Transmissions Available Outside the Home (the “Motion”), which was filed on December 29, 2017.¹

The Motion mischaracterizes the rationale for the Judges’ decision that “an Internet-based service that allows subscribers to access music outside their residences is a ‘different service offering’ and is not eligible for grandfathered PSS rate structures or license requirements applicable to PSS.” Initial Determination 37. It also mischaracterizes the Register’s interpretation of Section 114(j)(11) that provided the legal underpinnings for the Judges’ decision concerning webcasting by PSS providers. As a result, the Motion is largely directed to legally irrelevant

¹ SoundExchange submits this brief and its opposition to Sirius XM’s rehearing motion on behalf of itself, the American Association of Independent Music; the American Federation of Musicians of the United States and Canada; the Recording Industry Association of America; the Screen Actors Guild and American Federation of Television and Radio Artists; Sony Music Entertainment; Universal Music Group; and Warner Music Group.

questions concerning the extent to which cable providers provide streaming outside the home as part of residential cable service subscription packages. *E.g.*, Motion 1, 4, 6, 8-9.

Unlike the strawmen attacked throughout the Motion, the Register properly provided a legal interpretation of Section 114(j)(11) as requiring consideration of six nonexclusive factors for determining whether an offering by a PSS provider is an “expanded service offering” or a “different service offering,” and the Judges properly applied that legal standard in determining that Music Choice’s Internet service is a “different service offering.” The Judges’ decision in this regard is well supported by the record and not undermined by Music Choice’s misleading and irrelevant arguments. The Motion should be denied.

ARGUMENT

I. The Judges Correctly Concluded That Music Choice’s Internet Service Is Sufficiently Different From Its Cable Radio Service That It Is Not Part Of Music Choice’s PSS.

Music Choice’s Motion is based on a mischaracterization of the Judges’ conclusion concerning its Internet service. Specifically, Music Choice faults the Judges for basing their decision on a finding that it is not “typical for cable and satellite system operators to allow residential subscribers access to their television channels via the internet from outside their home.” Motion 6; *see also id.* at 5, 7, 8-9. Based on that false premise, Music Choice argues at length that cable operators often provide access to Internet streams of television programming outside the home as part of their residential subscription packages. *E.g.*, *id.* at 8-9; *Decl. of David J. Del Beccaro in Support of Music Choice’s Motion for Rehearing* ¶¶ 1-2, 8-22. However, the Judges made no such finding, and under the Register’s articulation of the law, what matters is the nature of the PSS provider’s offerings, not the nature of cable providers’ offerings. *See Scope of*

Preexisting Subscription Services, 82 Fed. Reg. 59,652, 59,658-59 (Dec. 15, 2017) (“Register’s Opinion”).

The Register identified six nonexclusive factors that should be considered when trying to determine whether a particular service offered by a PSS provider is sufficiently similar to its “existing service offering” (*i.e.*, a PSS cable radio service with origins before 1998) to qualify as an “expanded service offering” eligible for PSS status. *Id.* The Judges applied “the Register’s six-factor list of criteria” and concluded that “an Internet-based service that allows subscribers to access music outside their residences is a ‘different service offering.’” Initial Determination 37. While the Judges’ discussion of that conclusion is brief, it is apparent that all of the factors identified by the Register weigh against classification of Music Choice’s Internet service as part of its PSS.

First, the Register directed consideration of whether Music Choice’s Internet service has an effect on displacing or promoting sales that is similar to the effect of its PSS cable radio service. Register’s Opinion, 82 Fed. Reg. at 59,658. Music Choice’s PSS cable radio service – an existing service offering in the Register’s classification – has always been delivered by means of cable or satellite to fixed points in subscribers’ homes. Trial Ex. 979, ¶¶ 43-45, 48 (*PSS I CARP Report*). By contrast, Music choice concedes that its Internet service is available everywhere. *E.g.*, Motion 8-9. Indeed, being available outside the home is the main purpose of its Internet service. *See* SoundExchange Proposed Findings of Fact ¶ 2006 (“SE FOF”).

The record clearly shows that distribution in one channel can cannibalize distribution through other channels. *Id.* ¶¶ 402-404, 459-464. And Music Choice subscribers spend a lot of time – about [REDACTED] hours per month – listening to its Internet service. *Id.* ¶ 2010. Users who access Music Choice’s Internet service in the car, at the gym, at work, on runs, and in other

locations and circumstances plainly have less need to purchase copies of recordings for use outside the home, and to use other portable services like Pandora and Spotify, than a subscriber who only listens to Music Choice in the home. *See, e.g.*, Trial Ex. 28, ¶¶ 22-30 (Willig CWDT) (describing loss of creator compensation due to movement away from downloads and toward streaming); Trial Ex. 32, ¶ 13 (Harrison WDT) (increase in streaming is causing decrease in download sales; near-ubiquity of mobile devices and broadband connectivity means streaming is available anytime and anywhere); SE FOF ¶ 2103 (listeners to Music Choice's cable radio service also listen to various Internet services that provide portability).

Music Choice's Internet service also provides 25 channels that are not available on its PSS cable radio service. Initial Determination 37; Trial Ex. 910 (Music Choice channel lineup). Each of these channels provides a distinct musical genre or sub-genre to the listener, Trial Ex. 55, at 4 (Del Beccaro WDT), implying a greater opportunity for sales displacement among fans of the genres involved than is the case with the smaller selection of channels available on Music Choice's PSS cable radio service.

Second, the Register directed consideration of whether the quantity and nature of the use of sound recordings in Music Choice's Internet service are similar to its PSS cable radio service. Register's Opinion, 82 Fed. Reg. at 59,658. With 50% more channels, the Internet service plainly makes more use of recordings than the PSS cable radio service. And the nature of the use is significantly different, both because of the portability of the Internet service and the significant differences in the screen displays, user interfaces and navigation. Users of the cable radio service see only static displays and can interact with it only by changing channels. Users of the Internet service see very different displays and have many more options for interacting with the service.

See Trial Ex. 938, at 12 (screenshots of PSS cable radio service screen display and Internet service interface).

Third, the Register directed consideration of whether Music Choice’s Internet service provides content similar to its PSS cable radio service to similar groups of users. Register’s Opinion, 82 Fed. Reg. at 59,659. Again, the content is not similar, because 50% more channels are provided. The content provided by Music Choice’s Internet service also differs from the content provided by its PSS cable radio service in that the Internet service includes channels of music video programming and video-on-demand offerings that cannot be part of a PSS. *See* 17 U.S.C. § 114(j)(11) (a PSS “is a service that performs sound recordings”); Trial Ex. 57, at 29 (Del Beccaro WRT) (“Because our entire residential service is made available to subscribers through our website and app, those video channels and VOD service are also made available.”); H.R. Rep. 105-796, at 89 (1998) (Conf. Rep.) (offering that provides “video programming, such as advertising or other content, would not qualify as a preexisting service”).

Moreover, the users of the two services are different in the sense that users of Music Choice’s Internet service enjoy listening to music on the go, while users of its PSS cable radio service must listen to music at home. *See* Trial Ex. 32, ¶ 13 (Harrison WDT) (mobile music service allows portability, such that listeners can access music anytime and virtually anywhere); Trial Ex. 55, at 40 (Del Beccaro WDT) (Music Choice’s app is an important part of its strategy to use wireless networks to provide “TV everywhere”); *see generally* Trial Ex. 1, at ¶¶ 18-33 (Meyer WDT) (describing the in-vehicle listening market).

Fourth, the Register directed consideration of whether Music Choice’s Internet service is consumed in a similar manner, provides a similar user experience, and has similar form, feel, and functionality as its PSS cable radio service. 82 Fed. Reg. at 59,659. As described above, the

Internet service is consumed outside the home and has significant differences in the screen displays, user interfaces and navigation as compared to the PSS cable radio service.

Fifth, the Register directed consideration of whether and to what degree Music Choice's Internet service relates to the pre-July 31, 1998 investments in its PSS cable radio service that Congress sought to protect. *Id.* There is little or no relationship between Music Choice's current Internet service and its pre-1998 investments in the PSS cable radio service. Music Choice did not begin providing any video-on-demand until 2004. Trial Ex. 55, at 28 (Del Beccaro WDT). Music Choice did not begin providing mobile apps until about 2005. *Id.* at 4; Trial Ex. 29, at 16 & n.10 (Bender WDT); Trial Ex. 926. Music Choice launched the programmed video channels that are part of the Internet service in 2010. Trial Ex. 55, at 28 (Del Beccaro WDT). It is not clear when Music Choice first launched its website, but its website has changed since 1998. *Id.* at 39.

Finally, the Register directed consideration of whether and to what degree Music Choice's Internet service takes advantage of the capabilities of the Internet, including the extent to which differences between the Internet service and PSS cable radio service are due to limitations in the cable/satellite media that are not present with the Internet. 82 Fed. Reg. at 59,659. Most obviously, the Internet service uses the capabilities of the Internet to provide portability, a feature that is not available with a PSS service delivered to fixed points in subscribers' homes by cable or satellite. *See* Trial Ex. 979, ¶ 48 (PSS I CARP Report). The Internet service also provides interactive user interfaces and navigation that are very different from the static screen displays of the PSS cable radio service, where the only opportunity for user interaction is to change channels. *See* Trial Ex. 938, at 12. The Internet service is able to provide 50% more channels than the PSS cable radio service, because it is not constrained by cable provider concerns about making bandwidth available, as in the case of the PSS cable radio service. *See* SE FOF ¶ 1805.

Considering these factors in light of the principle that the PSS definition in Section 114(j)(11) is to be interpreted narrowly, 82 Fed. Reg. at 59,656, it is clear that Music Choice's Internet service is fundamentally different from its PSS cable radio service. The Judges' decision that the Internet service is not eligible for a rate set under Section 114(f)(1) was correct.

II. The Register's Observations Concerning Application Of The Sufficient Similarity Standard Were Not Findings Of Fact, And Were Not Treated As Such By The Judges, But They Were Correct.


Music Choice criticizes the Register's Opinion, or at least the Judges' application of it, as incorporating an incorrect finding of fact concerning the relationship between "residential" cable service and transmissions outside the home. Motion 1, 3-6. This criticism mischaracterizes the Register's Opinion and the Initial Determination, and is irrelevant to the proper analysis of Music Choice's Internet service, as described in Part I. Nevertheless, the Register was correct in her observations about cable service.

The Judges referred to the Register novel material questions of substantive law concerning the eligibility for PSS rates of Internet streams made available through a website or mobile app. *Order Referring Novel Material Question of Substantive Law and Setting Briefing Schedule* 3-4 (Oct. 5, 2017). Music Choice admits that the Register answered those questions by interpreting Section 114(j)(11) of the Copyright Act to require consideration of the six factors discussed in Part I for determining whether a particular service offered by a PSS provider is sufficiently similar to its PSS cable radio service. Motion 3. That is the relevant analysis for determining whether Music Choice's Internet service is eligible for a rate set pursuant to Section 114(f)(1), and it is the analysis the Judges applied. Initial Determination 37. The Motion's extended discussion of the nature of residential cable service and the extent to which cable providers make "TV Everywhere" offerings available outside the home is not relevant to analysis of those factors.

To be sure, the Register did encourage the Judges, in applying those factors, to “consider the degree to which making the existing service offering accessible outside the home of the subscriber constitutes a fundamental change to the offering.” 82 Fed. Reg. at 59,660. And in doing so, the Register did observe that the existing service offerings of PSS were residential in nature, and that “in the cable television market, there appears to be a distinction drawn between accessing content within the home and accessing that same content outside of it.” *Id.* However, as Music Choice concedes, “[t]he *Register’s Opinion* made no factual finding relating to whether subscribers’ ability to access internet transmissions . . . outside the home would render those transmissions ineligible for the PSS license.” Motion 3. And nothing in the Initial Determination suggests that the Judges treated the Register’s observation as such a finding. Instead, the Judges did exactly what the Register directed. As shown in Part I, the ability of users to access Music Choice’s Internet service outside the home is an important consideration under several of the six factors identified by the Register. It was perfectly reasonable for the Register to encourage the Judges to consider such portability in applying the six factors, and the Judges were justified by the record in finding that an Internet service available outside the home does not qualify as a PSS.

Music Choice also attacks the accuracy of the Register’s observation that the cable market appears to recognize a distinction between streaming within the home and streaming outside the home. In doing so, it mischaracterizes the Register’s observation as “whether it is typical for cable and satellite system operators to allow residential subscribers access to their television channels via the internet from outside their home.” Motion 6. Music Choice then provides extra-record evidence in the form of a lengthy declaration from Mr. Del Beccaro purporting to rebut its mischaracterization of the Register’s observation. However, Music Choice’s revision of the Register’s observation is irrelevant, because the answer to the question whether Music Choice’s

Internet service is sufficiently similar to its PSS cable radio service has nothing to do with whether cable operators offer streaming outside the home often, sometimes, or hardly at all. The sufficient similarity standard calls for evaluation of Music Choice's offerings, not its distributors'.

SoundExchange does not believe that the Judges need to or should decide whether the cable market recognizes a distinction between streaming within the home and streaming outside the home, or consider any evidence outside the record of this proceeding to do that. However, in case the Judges are inclined to do so, it should be noted that Music Choice's proffer of extra-record evidence is misleading, and the Register's original observation is correct. If one reads the fine print of cable providers' descriptions of their TV Everywhere offerings, it is readily apparent that while some providers offer streams of some channels outside the home, not all channels are always available outside the home. For example, in Exhibit 3 to Mr. Del Beccaro's declaration, there is a long list of channels available for streaming, but barely more than a third of them – the ones identified with the  badge – are available outside the home through the Cox Contour app. To further illustrate the point, SoundExchange has provided as exhibits to the Declaration of Kendall Turner information concerning the TV Everywhere offerings of various cable providers showing that while streaming outside the home is sometimes permitted, it is common that only some channels are available outside the home. Clearly the Register was right that the market recognizes a distinction between streaming within the home and streaming to locations outside the home.

III. The Judges' Determination Will Not Cause An Injustice.

Music Choice concludes the Motion with a plea for pity, asserting that the Judges should reverse their determination that its Internet service is not a PSS because Music Choice would prefer not to do the things that other statutory webcasters do to track performances. However, the Judges are bound to apply the law, including the Register's Opinion. 17 U.S.C. § 803(a)(1). Under the

law as articulated in the Register’s Opinion, it is clear that Music Choice’s Internet service is not part of its PSS. Having to conform to the law might be inconvenient or even disruptive for Music Choice, but needing to conform to the law is not a manifest injustice.²

Moreover, it is obviously possible as a technological matter for the provider of a webcasting service to count the performances it transmits. Thousands of other webcasters do just that – including radio broadcasters that, like Music Choice, choose to put their programming online. *See* SE FOF ¶ 1773. Music Choice’s needing to do what every other webcaster does is not a “manifest injustice.”

CONCLUSION

For the foregoing reasons, SoundExchange respectfully requests that the Judges deny Music Choice's Motion for Rehearing.

Dated: January 18, 2018

Respectfully submitted,

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² Music Choice mentions disruption to echo the fourth Section 801(b)(1) objective. However, Section 801(b)(1) does not permit the Judges to depart from the law, and Section 801(b)(1) does not apply to Music Choice's Internet service, because that service is not eligible for a rate set pursuant to Section 114(f)(1), which incorporates the Section 801(b)(1) standard.

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DECLARATION OF KENDALL TURNER


1. I am an attorney at the law firm of Jenner & Block LLP, and counsel to SoundExchange, Inc. (“SoundExchange”) in the above-captioned matter. I submit this declaration in support of SoundExchange’s Opposition to Music Choice’s Motion for Rehearing Regarding PSS Internet Transmissions Available Outside the Home.
2. Appended hereto as Exhibit 1 is a true and correct copy of a webpage entitled “U-verse on the go,” published by AT&T and available at <https://www.att.com/tv/watch-uverse-app.html>. It states: “You can watch even more live channels when connected to your home Wi-Fi network. . . . Access to content varies by device, TV plan, and viewing location.”
3. Appended hereto as Exhibit 2 is a true and correct copy of a webpage entitled “Stream Your DIRECTV from Almost Anywhere,” published by AT&T and available at <https://www.att.com/esupport/article.html#!/directv/KM1001560>. It states: “All streamable channels are available to watch within your home Wi-Fi network. Some of these channels can be streamed anywhere, inside or outside your home Wi-Fi network.”
4. Appended hereto as Exhibit 3 is a true and correct copy of a webpage entitled “Out of Home – XFINITY Stream App Error Message,” published by Comcast and available

- at <https://www.xfinity.com/support/articles/xfinity-tv-app-unable-to-connect>. It states:
- “In order to watch live TV or XFINITY On Demand content using the XFINITY Stream app, you’ll need to be connected to your in-home XFINITY WiFi network.”
5. Appended hereto as Exhibit 4 is a true and correct copy of a webpage entitled “TV Everywhere Apps,” published by Cox and available at <https://www.cox.com/residential/education-center/tv/tv-everywhere.html>. It states:
- “When you’re on the go, look for channels with the TV GO () badge.”
6. Appended hereto as Exhibit 5 is a true and correct copy of a webpage entitled “Watch Frontier TV Everywhere,” published by Frontier and available at <https://frontier.com/helpcenter/categories/tv/frontier-tv-everywhere/watch-frontier-tv-everywhere>. It states: “There may be some channels you can watch at home on your wireless network, but not outside your home on an open network.”
7. Appended hereto as Exhibit 6 is a true and correct copy of a webpage entitled “Optimum App vs. TV to GO,” published by Optimum and available at http://optimum.custhelp.com/app/answers/detail/a_id/3675/~_/optimum-app-vs.-tv-to-go. It explains that the Optimum App allows consumers to “[w]atch live TV anywhere within [their] home,” while the TV to GO app allows consumers to watch live TV outside the home, but only certain networks.
8. Appended hereto as Exhibit 7 is a true and correct copy of a webpage entitled “Don’t Get Fooled by ‘Big Cable,’” published by Slingbox and available at <http://www.slingbox.com/BigCable.aspx>. It states: “the cable companies aren’t telling you the whole truth. Only Slingbox can deliver every bit of content from your TV to any of your Internet connected devices.”

9. Appended hereto as Exhibit 8 is a true and correct copy of a webpage entitled “TV Channel Apps Frequently Asked Questions,” published by Spectrum and available at <https://www.spectrum.net/support/tv/tv-app-frequently-asked-questions/>. It states: “When using the Spectrum TV app, channel availability is limited when viewing content outside of your home.”
10. Appended hereto as Exhibit 9 is a true and correct copy of an article by Sarah Perez entitled “Comcast Rolls out a New Stream TV App for Its Cable and Internet TV Customers,” published by TechCrunch on February 15, 2017 and available at <https://techcrunch.com/2017/02/15/comcast-rolls-out-a-new-stream-tv-app-for-its-cable-and-internet-tv-customers/>. It states: “The Stream TV package requires customers to be on their in-home Xfinity Wi-Fi network in order to use the service.”
11. Appended hereto as Exhibit 10 is a true and correct copy of a webpage entitled “Can I Watch Programs on the Spectrum TV App Outside My Home?,” published by Time Warner Cable and available at <https://www.timewarnercable.com/en/support/faqs/faqs-tv/twctvapp/can-i-watch-live-tv-channels-outside-my-home.html>. It states: “some programs may appear grayed out, indicating they are unavailable to watch when you’re not connected to your home network.”
12. I declare, under penalty of perjury under the laws of the United States and the District of Columbia that the foregoing is true and correct, and that I executed this Declaration on January 18, 2018 in Washington, D.C.

Dated: January 18, 2018

Respectfully submitted,

By 

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EXHIBIT 1



 Sign in

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Streaming, channel guide, and managing your DVR are available in the U-verse app! [Learn more](#)

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Requires qualifying device and data connection. Access to content varies by device, TV plan, and viewing location. Data charges may apply.

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Take the U-verse experience with you with the U-verse app. Watch Live TV and On Demand shows, manage your DVR, and use the app as a remote control.*

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AT&T wireless postpaid customers can stream data free TV with the U-verse app.¹
[Get details](#) about streaming TV on your devices using the app.

[Learn more](#) about how TV features go anywhere with the U-verse app.

*U-verse Internet service and qualifying device required.

Download the version of the U-verse app that matches your device





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Turn your compatible smartphone or tablet into a TV screen and stream live TV on the go! You can watch even more live channels when connected to your home Wi-Fi network.

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Watch what you want, when you want it. With On Demand, you can enjoy thousands of movies, shows, sports programs, and more.

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Learn how to watch or record sporting events, concerts, shows, documentaries, movies, and other unique programs.

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U-verse TV: Geographic and service restrictions apply to AT&T U-verse services. Call or go to att.com/uverse to see if you qualify. Credit restrictions apply. On Demand programming varies by TV plan. Pricing, programming, features subj to change at any time without notice.

U-verse App: Requires qualifying device and data connection. Access to content varies by device, TV plan, and viewing location. Data charges may apply.

¹DATA FREE TV: Residential U-verse TV customers and select wireless customers only. Available only in the U.S. (excludes Puerto Rico and U.S. Virgin Islands). Streaming does not count against your data allotments. **Exclusions:** App download may incur data usage/charges. Advertisements and non-streaming app activity may incur data usage. Not available on streaming through select connected vehicles, prepaid, or to corporate responsibility users lines with a custom access point name. **Eligible Wireless:** Requires postpaid data service on eligible device. Must not have data block on line. AT&T wireless usage subject to AT&T service terms, conditions, restrictions, and network management practices, including speed reduction. Streaming may not work at reduced speeds. **Eligible U-verse:** Content may vary by TV package and viewing location. All functions and programming subject to change at any time. Offer subject to change and may be discontinued at any time. [Click here](#) for a list of eligible devices (sold separately).

[U-verse TV Terms of Service](#) [AT&T Privacy Policy](#)


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 Community forums

EXHIBIT 2



Showing Content for IL

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Stream your DIRECTV from almost anywhere

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Stream your DIRECTV from almost anywhere

With DIRECTV, you can stream live and On Demand content from more than a hundred TV channels on your laptop or mobile device over a Wi-Fi connection.

INSTRUCTIONS & INFORMATION

Requirements for streaming

With DIRECTV, you can watch live TV channels on your laptop or mobile device inside or outside your home, using any Wi-Fi connection. View a [list of networks/apps for which you can stream live or On Demand content](#).

What you need to stream live DIRECTV channels

All streamable channels are available to watch within your home Wi-Fi network. Some of these channels can be streamed anywhere, inside or outside your home Wi-Fi network.

To stream in your home, you need:

- An AT&T Access ID for authentication. Learn how to [create an AT&T Access ID](#).
- An HD DVR connected to your home Internet network.
- A computer, tablet, or smartphone joined to the same Wi-Fi network your HD DVR is connected to.

To stream outside your home, you need:

- An HD-capable receiver, an HD receiver, or an HD DVR on your account.
- An AT&T Access ID for authentication. Learn how to [create an AT&T Access ID](#).
- A laptop, tablet, or smartphone joined to any Wi-Fi network (Android devices, Kindle Fire, Apple® iPad®, iPhone® and iPod Touch®).

Stream DIRECTV content to your computer


- 1 Sign in to the [DIRECTV entertainment site](#) with your AT&T Access ID and password.
- 2 Select **Watch Online**.
- 3 Select to play a DIRECTV program in the **Live TV Streaming** section.


Stream DIRECTV content to your mobile device

Chat available

Stream live DIRECTV to your smartphone or tablet

Be sure to install the DIRECTV app on your device. Follow these instructions to watch live TV:

- 1 Make sure you're connected to your home Wi-Fi network.
- 2 Open the DIRECTV app on your device.
- 3 Tap the main menu .
- 4 Look next to **Receiver** at the bottom of the menu. If you see **No Receiver**, tap it, then follow the instructions to link your smartphone or tablet to the HD DVR that's connected to your home network.
- 5 If you're watching TV on your smartphone, select **Guide** from the main menu, then select **On Phone** to start watching.
- 6 If you're watching TV on your tablet, go back to your home screen in the DIRECTV app. Tap any program in the **Live TV Streaming** module to start watching.

Note: If you see  next to a program, it means the program is available to stream either inside or outside your home.

Device requirements for streaming live DIRECTV content

To stream live DIRECTV, your device must meet the following requirements:

Mobile & connected devices

- iPhone, iPad and iPod Touch running iOS 9 and later.
- Android smartphones and tablets running OS 4.2 or later.
- Kindle Fire HD and Kindle Fire HDX (3rd generation and above).
- 2018 Porsche RSE Optioned Vehicles (Data plan required).

Computers or laptops

- You must enable Adobe® Flash® Player for your web browser. Select the link for your browser below:
 - Internet Explorer, see [Enable Flash Player for Internet Explorer](#).
 - Internet Explorer on Windows 10, see [Enable Flash Player for IE on Windows 10](#).
 - Edge on Windows 10, see [Enable Flash Player for Edge on Windows 10](#).
 - Firefox on any OS, see [Enable Flash Player for Firefox](#).
 - Safari on Mac OS, see [Enable Flash Player for Safari](#).
 - Google Chrome, see [Enable Flash Player for Chrome](#).
- **PC:** Windows XP SP3, Windows 7, or Windows 8.1 and at least one of the following Web browsers: Firefox 17 or later, Internet Explorer 9 or 10 (32-bit) or 11, Chrome 35 or later. DIRECTV video streaming does not work on any 64-bit version of Internet Explorer.
- **Mac:** OS X 10.6.x (Snow Leopard), Mac OS X 10.7.x (Lion), or Mac OS X 10.8.x (Mountain Lion), and at least one of the following Web browsers: Firefox 17 or later, Safari 5 or later, Chrome 35 or later.

COMMUNITY DISCUSSION

Re: In the Directv app, can't connect phone to DVR

Chat available

RESOLVED: Just delete the app and download again. Then the process works fine.

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How can The Community help you today?



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Learn how to troubleshoot error messages you may encounter while streaming content from directv.com.

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EXHIBIT 3

Support

Search Help & Support



Out of Home - XFINITY Stream App Error Message

In order to watch live TV or XFINITY On Demand content using the XFINITY Stream app, you'll need to be connected to your in-home XFINITY WiFi network.

Messaging

You may receive an "Out of Home" message when trying to log in to the XFINITY Stream app while not connected to your in-home XFINITY WiFi network.

Next Steps

If you receive this message when trying to log in to the XFINITY Stream app while in your home, try the following steps to verify your connection:

1. Navigate to your device's WiFi settings and ensure that your current network is your in-home XFINITY WiFi network, rather than another local connection in the area (e.g. a coffee shop, a neighbor's WiFi or an XFINITY WiFi hotspot using the **xfinitywifi** SSID).
2. Ensure you can connect to the Internet through a web browser while connected to your in-home network.
 - This must be done **on your in-home network, not** via 3G or 4G.
3. Try accessing the XFINITY Stream app from another mobile device, or visit the website (<http://www.xfinity.com/stream>) from your computer.
 - If you are able to log in from the second device, verify the WiFi settings on the original device
4. Log out of the app and log back in:
 - Navigate to the **Settings** gadget on the XFINITY Stream app.
 - Select **Change Household Account**.
 - **Note:** If you have previously downloaded any recordings to-go, logging out will **return** these recordings to your DVR and remove them from your mobile device.
5. Ensure that your cable modem information – make/model, serial number and MAC address – is accurate for your account. You can review online by visiting: <https://customer.xfinity.com/MyServices/Internet>. If your modem information is incorrect, please [Contact Us](#) to update it appropriately.

If you continue to experience issues, please [Contact Us](#) using the method that is most convenient for you - [chat](#) with us online, [view the Discussion Forum Community](#) or call us to speak with a Comcast representative.

EXHIBIT 4

TV

[Back](#)

TV Everywhere Apps

There are more ways than ever to watch TV beyond the big screen. TV Everywhere puts you in control – TV the way you want it, in any situation. Take your favorite shows and movies with you on your smartphone, tablet or laptop so you don't miss a thing.

More Ways to Watch TV

Today, there are more ways than ever to watch TV beyond the big screen and to take your favorite shows and movies with you wherever you go. With Cox TV, you have free access to the [Contour app](#) and [up to 120 TV Network apps](#) on your smartphone, tablet, and computer. Stream live TV and thousands of movies and shows, both past and current episodes, On Demand.



Contour App

With the Contour app, never run out of content to watch on your smartphone, tablet, and computer. You'll have access to Live TV, and you can binge thousands of movies and shows, both current and past seasons, with On Demand. When you're on the go, look for channels with the TV GO (TV GO) badge.

Watch TV online on your computer or download the Contour mobile app:



Note: Use your My Account user ID and password to sign in to the app. Don't have one? Go to cox.com/register to sign up.













LEARN MORE





Network Apps

Have a favorite show coming up on a certain network? Access network apps that are free with your Cox TV subscription. Simply download the app on your mobile device, select Cox as your provider, and sign in with your Cox My Account login to watch your favorite live and On Demand shows from anywhere! Don't have a My Account login? Go to cox.com/register to sign up.

Networks	Android Phone/Tablet	iPhone/iPad	Watch Online
ABC			abc.go.com
Adult Swim			adultswim.com
A & E			aetv.com
AMC			amc.com
AHC GO			ahctvgo.com
Animal Planet GO			animalplanetgo.com

Planet GO

BBC America


bbcamerica.com

beIN Sports


beinsportsconnect.tv

BET Now


bet.com/tve

Bravo Now


bravotv.com

BTN2GO


btn2go.com
Cartoon
Network
cartoonnetwork.com
CBS Sports
Network
cbssports.com

Cine Sony Ya


cinesony.com

CMT


cmt.com

CNBC


cnbc.com

CNN


cnn.com
Comedy
Central
cc.com
Watch
Cooking
Channel
cookingchanneltv.com
C-Span, C-
Span2 & C-
Span 3
c-span.org
CSN Mid
Atlantic
www.comcastsportsnet.com

CSN New
England



www.comcastsportsnet.com

Telemundo
Deportes en
Vivo



telemundodeportes.com

Destination
America GO



destinationamericago.com

Discovery en
Español GO



enespanol.tudiscovery.com

Discovery
Familia GO



tv.discoveryfamilia.com

Discovery
Family GO



discoverygo.com

Discovery GO
Networks



discoverygo.com
Watch Online

Phone/Tablet

iPhone/iPad

Discovery Life
GO



discoverylifego.com

Disney Now

includes Disney
Channel, Disney Jr,
Disney XD



disneynow.go.com

DIY Network
Watch



watch.diynetwork.com

E!



eonline.com/now

Epix



epixhd.com

WatchESPN

includes Bases
Loaded/Goal Line,
ESPNDeportes,
ESPNNews, ESPN2,
ESPN3 ESPN11



watchespn.com

FOX, FOX, FOX,
SEC Network, ACC
Network Extra

Watch Food Network



foodnetwork.com

Fox Business



foxnewsgo.com

Fox News



foxnewsgo.com

FOX NOW



fox.com

FOX Sports GO

includes Fox
Sports, FS1, FS2,
Fox Sports
Regional Networks,
Fox Deportes, Fox
College Sports, Fox
Soccer Plus



foxsports.com

Android
Phone/Tablet

iPhone/iPad

Watch Online

Freeform



freeform.go.com

Fuse TV



fuse.tv

Fusion



fusion.net

FXNOW



fxnetworks.com

FYI



fyi.tv

Golf Live Extra



golfchannel.com

GSN Now



gsntv.com

Hallmark

Hallmark Channel Everywhere



hallmarkchanneleverywhere.com

HBO GO



hbo.com

HGTV Watch



hgtv.com

History Channel



www.history.com

HSN



hsn.com/watch/live

ID GO



investigationdiscoverygo.com

IFC



ifc.com

Lifetime Networks



mylifetime.com

Android
Phone/Tablet

iPhone/iPad

Watch Online

LogoTV



logotv.com

Longhorn Network



espn.go.com/longhornnetwork

MLB.TV



mlb.com

MSNBC



msnbc.com/now

Music Choice



musicchoice.com

**NCAA®
March
Madness®
Live**



ncaa.com/march-madness

MAX GO



cinemax.com

MTV



mtv.com

MTV2

mtv.com/mtv2

NAT GEO TV



channel.nationalgeographic.cc

NBA League
Pass



nba.com

NBC



nbc.com

NBC Sports
App



nbcports.com

NBC Universo



nbcuniverso.com

NESN GO



nesn.com

Watch NFL
Networks



nfl.com/network

Phone/Tablet

Watch Online

NFL Redzone



nfl.com/redzonetv

NHL Center
Ice



nhl.com/centerice

Nick
(Nickelodeon)



nick.com

Nick Jr.



nickjr.com

Olympic
Channel

Watch OWN



oprah.com/app/live-tv.html

Oxygen Now



oxygen.com

Pac-12 Now

includes PAC-12

Arizona, PAC-12
 Bay Area, PAC-12
 Los Angeles, PAC-12
 Mountain, PAC-12
 Oregon, and
 PAC-12
 Washington



qvc.com

QVC



pac-12.com

Science
 Channel GO



sciencechannelgo.com

SHOWTIME
 Anytime



showtimeanytime.com

Smithsonian
 Channel



smithsonianchannel.com

SNY
 Networks



stream.nbcsports.com
 Watch Online

Phone/Tablet

iPhone/iPad

Spike TV



spike.com

STARZ App

includes MoviePlex
 and Starz Encore
 content



starz.com

Sundance TV



sundance.tv

Syfy Now



syfy.com

TBS



tbs.com

Watch TCM



tcm.com

Telemundo
 Novelas



telemundo.com

Tennis
Channel
Everywhere



tennischanneleverywhere.com

TLC GO



tlcgo.com

TNT



tntdrama.com

Watch Travel
Channel



travelchannel.com

truTV2GO



trutv.com

TV Land



tvland.com

TV One



tvone.tv

TWC
Networks
Deportes



twcdeportes.com

Phone/Tablet

Watch Online

TWC
SportsNet



twcsportsnet.com

Universal
Kids Now



sproutonline.com

Univision
Deportes



univision.com

USA Now



usanetwork.com

Uvideos



uvideos.com

Velocity GO



velocitychannelgo.com

VH1



vh1.com

Viceland



viceland.com



WE TV

wetv.comThe Weather
Channelweather.com

Contour App

Experience TV at the palm of your hands with the Contour App from Cox.

[LEARN MORE](#)

Streaming Support

Learn more and get answers to questions about Cox TV mobile apps & online viewing.

[GET SUPPORT](#)

Shop TV Plans

Upgrade to Contour to get the best TV has to offer with a Voice Remote, Smart Search, personalized content and more.

[GET CONTOUR 2](#)

*The Contour App is available to all Cox video customers. To maximize the App's content and features within the home, the customer will need to have Cox High Speed Internet Essential or higher.



See [Contour TV service details](#). See also [Contour TV Purchased Content](#) details. Netflix is available in select countries. Streaming membership required. More information at www.netflix.com. See important information in the [Residential Customer Service Agreement](#) for full coverage details. See [Annual Notice information](#) for related information and your privacy rights as a Cox customer. See also the [Annual Customer Notices](#). See important [Cox Digital Telephone Power Outage](#) usage information. For all Cox Communication policies regarding our services and business practices visit www.cox.com/aboutus/policies.html.



EXHIBIT 5



[Help Center](#) > [TV](#) > [Frontier TV Everywhere](#) > [Watch Frontier TV Everywhere](#)

<< [Back](#)

Watch Frontier TV Everywhere

With Frontier TV Everywhere, you can stream much of your subscribed live TV and On Demand content wherever you are, whenever you want, via an Internet-connected computer, tablet, or smartphone.

Frontier offers **two ways to watch** TV Everywhere content:

1. Use your **Frontier ID** to sign in to TV Everywhere products like **HBOGO**, **WatchESPN**, **CNNgo**, **Fox News**, **WatchABC**, **NBC**, and more than 100 other web sites and apps from the top entertainment brands. Frontier TV subscribers with qualified video subscription packages have access to many more such channels than other video service providers offer. **Please take a moment to explore which channels are available.**
2. Get the free **FrontierTV mobile app** (the  **iOS version** or the  **Android version**) and enjoy a single app and web site to access more than 100 live streaming channels, tens of thousands of On Demand titles, TV Listings, and access other advanced features. Plus, you can download your On Demand purchases or rentals using the app, and watch later with no internet connection required! **Find out how.**

Check out this quick summary of the FrontierTV app and web site capabilities, or go directly to tv.frontier.com and see for yourself.

The FrontierTV app supports:

- iOS version 9.0 and higher (compatible with iPad, iPhone, and iPod touch)
- Android version 4.1 and higher

tv.frontier.com supports:

Windows computers running:

- Internet Explorer 11 and up
- Firefox 41 and up
- Chrome 46 and up

Mac computers running:

- Chrome 46 and up
- Safari 8 and up

Where can I watch?

You can watch TV anywhere you have an internet connection: your house, the office, a shopping mall, hotel, airport, coffee shop, etc. You'll get the best service with your in-home Wi-Fi where Frontier can control the quality of wireless signal.

Watching TV Everywhere on your smartphone or tablet may count against your mobile data plan, so check your plan first. Frontier has no way of knowing when you have exceeded your data plan, so you are responsible for all charges from your mobile carrier.

You can avoid using data by downloading your On Demand purchases or rentals using the app when you have an internet connection, and watching it without an internet or data connection. **Find out how.**

What can I watch?

You can live-stream content from many major networks, On Demand content from channels you subscribe to, and On Demand movies and rentals that you purchase. Keep these things in mind:

- You can download your movies and programs using the app when you have internet access, and watch them when you have no internet access. **Find out how.**
- Content is available to you based on your content package. So your content package must include the network you want to watch.
- Not all TV channels offer TV everywhere video.
- Some networks may not have given Frontier the authorization to provide TV everywhere video over an open network. This means there may be some channels you can watch at home on your wireless network, but not outside your home on an open network.
- The networks decide whether or not they will offer a live feed or pre-recorded episodes of some of their programs.
- Frontier is always working to expand the number of networks and programs available to you. As a registered user, you will see a complete list of all networks available. New programming will be added to the list as it becomes available.
- Unlike services such as Netflix or Hulu, Frontier TV Everywhere is free to Frontier video subscribers.

EXHIBIT 6

[Answers](#)[Email Us](#)[Live Chat](#)[Help](#)

Search by Product

All

Search by Keyword

[Search Tips](#)[Search](#)

Optimum App vs. TV to GO

ID 3675

The [Optimum App](#) and [TV to GO](#) are both services that allow you to watch TV on select mobile devices.

Optimum App *

- App is provided by Optimum and can be obtained via mobile app stores (laptop app available [here](#))
- Watch live TV anywhere within your home
- Schedule recordings and manage your DVR if you subscribe to a DVR service

TV to GO **

- TV to GO uses TV Everywhere apps, which are provided by various TV networks
- With some apps, you can watch live TV anywhere you have an Internet connection in the US
- There are currently [over 55 networks available](#)

Additional Details

	Optimum App	TV to GO
Where can I enjoy these features?	Live TV - Within your home Other features - Anywhere there is an Internet connection	Anywhere there is an Internet connection, within the US
What channels can I watch?	All the channels that are included in your Optimum TV subscription	There are over 55 networks available based on your Optimum TV subscription
Can I view live TV?	Yes - The Optimum App provides access to your full Optimum TV experience, anywhere within your home	Some networks offer live feeds, available for viewing within the US
Can I watch On Demand?	Yes	Yes
Can I access the Optimum TV Program Guide?	Yes	No
Can I manage and schedule DVR recordings on my DVR or Multi-Room DVR service?	Yes	No
Can I watch DVR recordings?	No	No
Can I browse the Free On Demand categories?	Yes	No

* To view Optimum TV on iPad, iPod touch, iPhone, Kindle Fire, Android device or laptop requires Optimum TV w/cable box or CableCARD, Optimum authorized modem and wireless home router. Minimum system requirements apply and Optimum App requires application download and installation. Viewing Optimum TV on laptop not currently available to customers who subscribe only to Optimum TV.

** Subscription to channels and valid Optimum ID and password required for TV to GO programming, only available in the U.S. All channels not available on all devices.

Was this answer helpful?

☆☆☆

Answers others found helpful

- [TV to GO](#)
- [Optimum App on Laptop](#)
- [Optimum App for iPad](#)
- [Optimum App for iPhone/iPod touch](#)
- [Optimum App on Laptop: Manage DVR Recordings](#)

[Back to Search Results](#) ➔

Need help with your Phone?



Phone Frequently Asked Questions

[Programming My Remote Control](#) • [Optimum Hotspots](#) • [Online Bill Pay](#)[Find Another Solution](#) ➔

Contact Us

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[GoToAssist](#) [Service Terms & Info](#) [Copyright Policy](#) [Privacy Notice](#) [Report Abuse](#) [Accessibility](#)



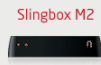
[Storm Preparedness](#) [Legal Compliance](#)

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EXHIBIT 7

Don't get fooled by "Big Cable".

You've probably heard some of these recently: "Watch your games live!", "See the latest shows on the road!" Maybe even "Watch your channel live with this app!" We hate to burst your bubble, but the cable companies aren't telling you the whole truth. Only Slingbox can deliver every bit of content from your TV to any of your Internet connected devices¹. See how Slingbox compares below.



Make the most of what you already pay for, with no monthly fees.

[Buy now](#)
[Find a retailer](#)

Only Slingbox is 100% TV Anywhere.

Slingbox is the only way to watch 100% of your cable or satellite channels live, on any Internet connected device¹—anywhere in the world. In spite of what the others promise, *they are only able to deliver a fraction of what Slingbox provides.*

We compared the Slingplayer app vs major service providers' apps. We looked at the number of channels delivered LIVE—to a phone, tablet, or laptop outside the home.



	slingbox®	DIRECTV	at&t	Comcast xfinity	Time Warner Cable	verizon FIOS	optimum.
Percentage of live channels delivered	100%	16%	37%	36%	31%	11%	0%
Live channels available vs. total channels of a premium package	✓	51 of 329	172 of 470	94 of 260	62 of 200+	37 of 320+	0 of 33
Major networks ² available	✓	1 of 15	1 of 15	1 of 15	✗	✗	✗
Access all premium channels ³ on one app	✓	✗	✗	✗	✗	✗	✗
Worldwide access to all your channels	✓	✗	✗	✗	✗	✗	✗
All channels live on 2nd TV with Apple TV®, Chromecast®, Fire TV®, or Roku® ¹	✓	✗	✗	✗	✗	✗	✗

1. Phones, tablets, and streamers require the Slingplayer app. Available for iOS and Android.

2. Major networks include ABC, CBS, NBC, FOX, The CW, UNI, ION, TEL, METV, UMA, Bounce, ETV, MFX, COZ, AZA

3. Premium channels include: Cinemax, HBO, Showtime, Starz

All information is accurate as of July 9, 2015

Sources

<https://www.directv.com/entertainment?watch=online>
http://uverse.com/uverse/uverseapp?utm_source=apps&utm_medium=tile&utm_campaign=uverse-mobile
<http://xfinitytv.comcast.net/apps>
<http://www.time Warnercable.com/en/tv/features/tv-everywhere.html>
http://www.verizon.com/home/livetv?incid=myvzhero2_MYVZ_TV_HERO_CTA_3_get_the_free_app
<http://www.medialifemagazine.com/this-weeks-broadcast-ratings/>

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[Buy a Slingbox](#)
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[Accessories & Parts](#)
[About Us](#)
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[Also find us on:](#)

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[SlingStudio | DISH Network](#)

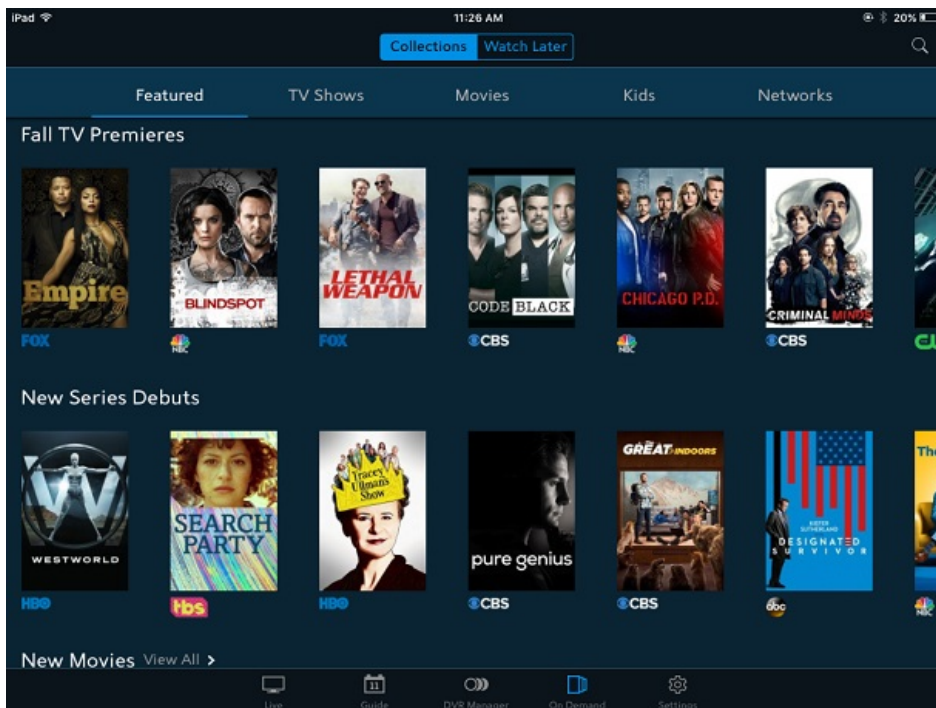
EXHIBIT 8



Popular Topics TV Internet Voice Account

TV Channel Apps Frequently Asked Questions

With the Spectrum TV app and a variety of TV channel apps, you can watch live or On Demand programming on your tablet, smartphone or smart TV. Check out the Frequently Asked Questions below to learn more.



Related Articles

TV Channel Apps
 TV Channel App Sign-In Help
 Android Tablet WiFi & Email Connection
 Missing Channels
 Explore the Spectrum TV App

Related Videos



Spectrum TV App Video TV Everywhere Video

What is the Spectrum TV app?

The [Spectrum TV app](https://www.spectrum.net/support/tv/spectrum-tv-app/) <<https://www.spectrum.net/support/tv/spectrum-tv-app/>> gives you more choices for watching your favorite programming on-the-go, and it's available to Spectrum TV customers at no extra charge. Watch Live TV and On Demand content, browse Guide listings, schedule DVR recordings and much more. The Spectrum TV app is available for iPads and iPhones, Android tablets or smartphones, Amazon Kindle Fire devices, Xbox One, Roku streaming players and Samsung Smart TVs (2012-2017 models).

What are TV channel apps?

Many TV networks offer a mobile app that allows you to watch a variety of live or On Demand programming on your mobile device. If a channel is included in your Spectrum TV subscription, you can use your Spectrum username and password to sign

into the TV channel app. [Learn more](https://www.spectrum.net/support/tv/tv-channel-apps/) <<https://www.spectrum.net/support/tv/tv-channel-apps/>> about the TV channel apps Spectrum supports.

How do I get these apps?

You can download the Spectrum TV app or any of the TV channel apps from your device's app store. Search for **Spectrum TV** or another TV network to find and install the app of your choice. Visit our [TV channel apps page](#) <<https://www.spectrum.net/support/tv/tv-channel-apps/>> for direct download links.

What do I need to use these apps?

To use the Spectrum TV app or any of the other supported TV channel apps, you need an active Spectrum TV subscription, an internet connection, a Spectrum username and password and a supported mobile device. [Learn more](#) <<https://www.spectrum.net/support/tv/spectrum-tv-app/>> .

The TV channel apps available to you may vary based on the level of Spectrum TV service you subscribe to.

What do I do once I have them?

After you've downloaded the TV app of your choice, open it and select Spectrum as your cable provider when prompted. To begin watching TV on the app, sign in using your Spectrum username and password.

Can I access these apps without WiFi?

You can use the Spectrum TV app and other TV channel apps on-the-go without a wireless connection. However, cellular data rates may apply when you're not connected to WiFi.

When using the Spectrum TV app, channel availability is limited when viewing content outside of your home. For your full Spectrum TV channel lineup, connect your device to your In-home WiFi network. [Learn more](#) <<https://www.spectrum.net/support/tv/explore-spectrum-tv-app/#!/channel-availability>> about channel availability.

EXHIBIT 9

Comcast rolls out a new Stream TV app for its cable and internet TV customers

Posted Feb 15, 2017 by [Sarah Perez \(@sarahintampa\)](#)



Comcast is **launching** a new app called Xfinity Stream, which will replace its older Xfinity TV app on mobile devices, as well as deliver a host of features for cable subscribers, including access to News, Video, Events, Crunchbase, Trending, Amazon, Tesla, Microsoft, and more. But the app serves another purpose, as well: Like the TV app it replaces, it will also be home to Comcast's internet TV service aimed at cord cutters, Stream TV. This IPTV service is expected to roll out nationally later this year under new branding.

Stream TV hasn't had much attention **since its launch in mid-2015**, mainly because it's still only available in select markets. Currently, those in Boston and Chicago metros can subscribe to the live television streaming service, which is being aimed at those who no longer want to pay for cable TV, or have chosen not to sign up for cable in the first place.

In all regions, Stream TV includes access to the local broadcast stations (ABC, CBS, CW, FOX, NBC, PBS, Univision and Telemundo), as well as HBO. The service has been **criticized** for not being on par with Sling TV or PlayStation Vue, but it's not really aimed at the true cord cutter. Instead, Stream TV is meant to appeal to those who generally watch TV at home, where a laptop or mobile device is used as their first screen.

In other words, Stream TV is not an "over-the-top" service, like Sling TV. The Stream TV package requires customers to be on their in-home Xfinity Wi-Fi network in order to use the service. Outside of the home, users have to rely on "TV Everywhere"-powered apps, like HBO GO, FOXNow, NBC and WatchABC.

Comcast plans to roll out Stream TV nationwide later this year to all the markets where Comcast is available. Today, that footprint includes 39 U.S. states, plus D.C.

At the time of the nationwide launch, Stream TV will also be rebranded to eliminate confusion between it and this new "Stream TV" app.

The app will then continue to serve both Comcast customer bases: those streaming TV cord cutters as well as the traditional cable TV subscribers.



As for the new Stream TV app itself, it now allows Xfinity cable TV subscribers to tune in to more than 200 live TV channels, including sports networks like ESPN, Fox Sports and NBC Sports; news networks such as Fox News, MSNBC, CNN and BBC World News; kids networks like Nick Jr., Disney Channel and Sprout; plus 50 Music Choice channels and other cable and premium networks.

In addition, TV customers can choose from 40,000 on-demand titles, including both movies and TV shows, thousands of which can be downloaded for offline viewing, the company says. DVR recordings can be downloaded for offline access, and the DVR can be programmed remotely. A Spanish-language guide is available, too.

Stream TV (the IPTV package) subscribers will have access to the same general feature set, but will only be able to view those channels and on-demand titles included in that subscription. Downloads are not available for the broadcast networks or HBO in this package, so on-demand viewing may be limited.

However, the streaming TV service may offer users the ability to add other premium channels in the future, we understand, like Starz or Showtime. Both of these channels offer offline access (meaning, downloads).

The new Stream TV app will launch on iOS and Android devices on February 28th.

Customers who already have the Xfinity TV app installed will be transitioned to the new Stream app through an app update, says Comcast.



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Toyota's mobility business shifts into high gear at CES

VW taps Nvidia to build AI into its new electric microbus and beyond

Sony's new Aibo robot just melted the hearts of a room full of jaded tech bloggers

GoPro confirms layoffs, exit from drone business

EXHIBIT 10



TV FAQs

Can I watch programs on the Spectrum TV App outside my home?

Yes. With the Spectrum TV App, you have access to Live TV and On Demand programming away from home. However, some programs may appear grayed out, indicating they are unavailable to watch when you're not connected to your home network.

Was this information helpful?

☐ Yes ☐ No

[Send Feedback >](#)

Related FAQs

[What is the Spectrum TV App?](#)

[How do I sign in to the Spectrum TV App?](#)

[How can I get the Spectrum TV App?](#)

[Do I need to be a Spectrum TV customer to use the Spectrum TV App?](#)

[All TV FAQs >](#)

Related Resources

[Find Channels](#)

[TV Troubleshooting](#)

[Remote Control Support](#)

[The Guide](#)

Product

[Packages](#)

[TV](#)

Services

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[Ways to Pay Your Bill](#)

[Internet](#)

[Voice](#)

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[My Account](#)

[Mobile Apps](#)

[Check Email](#)

[On Demand](#)

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[Program Your Remote](#)

[Channel Lineup](#)

[Closed Captioning](#)

[TV Parental Control](#)

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[FCC Public Inspection File](#)

Contact Us

[Community Forums](#)

[Contact Us](#)

[Store Locations](#)

[Channel Feedback](#)

[Investor Relations](#)

[Careers](#)

[Email Offers](#)

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[Spectrum SportsNet](#)

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[Community Solutions](#)

[Spectrum Reach](#)

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**Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
Washington, D.C.**

In the Matter of:

Determination of Royalty Rates and Terms
for Transmission of Sound Recordings by
Satellite Radio and “Preexisting”
Subscription Services (SDARS III)

Docket No. 16-CRB-0001 SR/PSSR
(2018-2022)

**DECLARATION OF EMILY L. CHAPUIS REGARDING RESTRICTED
INFORMATION IN SOUNDEXCHANGE’S OPPOSITION TO
MUSIC CHOICE’S MOTION FOR REHEARING**

1. I am counsel for SoundExchange, Inc., the American Federation of Musicians of the United States and Canada (“AFM”), the Screen Actors Guild and American Federation of Television and Radio Artists (“SAG AFTRA”), the American Association of Independent Music (“A2IM”), Universal Music Group (“UMG”), Sony Music Entertainment (“SME”), Warner Music Group (“WMG”), and the Recording Industry Association of America (“RIAA”) (collectively, “SoundExchange”) in Docket No. 16-CRB-0001-SR/PSSR. I am authorized by SoundExchange to submit this declaration on its behalf.

2. I respectfully submit this declaration and the accompanying Redaction Log (Attachment 1) to comply with the Protective Order, dated June 15, 2016 (the “Protective Order”), which directs the parties to redact proposed restricted material in any filings with the Judges and to provide a log of the same redactions.

3. I have reviewed SoundExchange’s Opposition to Music Choice’s Motion for Rehearing, being submitted simultaneous with this declaration, as well as the Redaction Log attached to this declaration. I have also reviewed the definitions and terms provided in the Protective Order. Based on this review, I have determined to the best of my knowledge,

information, and belief, a portion of SoundExchange's Opposition to the Motion for Rehearing (and accompanying exhibits) contains information that qualifies as protected material under the Protective Order and that should be treated as "confidential information" under 17 U.S.C. § 803(c)(5). This protected material is identified in the attached Redaction Log, shaded in the Restricted version of SoundExchange's filed materials, and further described below.

4. The Protected Material that SoundExchange is submitting includes material that reflects Music Choice commercial information that the Participants have in good faith determined would, if disclosed, either competitively disadvantage one or more of the participants, provide a competitive advantage to another participant, competitor, or entity, or interfere with the ability of one or more of the participants to obtain like information in the future.

5. As a result, SoundExchange respectfully submits that this information can and should be treated as "Protected Material." Such protection will prevent commercial and competitive harm that would result from disclosure and enable SoundExchange to provide the Copyright Royalty Judges with the most complete record possible on which to base its determination in this proceeding.

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that, to the best of my knowledge, information and belief, the foregoing is true and correct.

Dated: January 18, 2018

Respectfully submitted

By 

Emily L. Chapuis (DC Bar 1017600)

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Attachment 1

**SoundExchange's Notice of Request To Redact Limited Portions of SoundExchange's
Opposition to Music Choice's Motion for Rehearing Regarding PSS
Internet Transmissions Available Outside the Home**

REDACTION LOG

Redaction	Description
Page 3	Restricted information regarding listening habits of Music Choice subscribers. This information is confidential, proprietary, and commercially sensitive. Public disclosure could compromise Music Choice's competitive position.

CERTIFICATE OF SERVICE

I, David Handzo, do hereby certify that, on January 18, 2018, copies of the foregoing are being sent via electronic mail to all parties at the email addresses listed below. Hard copies will follow by first class mail.

<p>George Johnson DBA GEO MUSIC GROUP 23 Music Square East Suite 204 Nashville, TN 37203 George@georgejohnson.com</p> <p><i>Pro Se</i></p>	
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Dated: January 18, 2018

s/ David A. Handzo

 David A. Handzo

Certificate of Service

I hereby certify that on Thursday, January 18, 2018 I provided a true and correct copy of the Response in Opposition on Music Choice's Motion for Rehearing Regarding PSS Internet Transmissions Available Outside the Home (RESTRICTED) to the following:

American Association of Independent Music ("A2IM"), represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

SAG-AFTRA, represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

Sony Music Entertainment, represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

American Federation of Musicians of the United Sta, represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

Universal Music Group, represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

Sirius XM, represented by Cynthia Greer served via U.S. Mail

Warner Music Group, represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

Music Choice, represented by Eric Roman served via U.S. Mail

Johnson, George, represented by George D Johnson served via Electronic Service at george@georgejohnson.com

Recording Industry Association of America, The, represented by David A. Handzo served via Electronic Service at dhandzo@jenner.com

Signed: /s/ David A. Handzo